

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/8 Bottom Rd., 3700'W of c/l * ZONING COMMISSIONER
Gayton Mill Rd - 13769 Bottom *
Rd.-Lot 9 Kuzniarski property * OF BALTIMORE COUNTY
11th Election District *
6th Councilmanic District * CASE NO. 93-63-SPH
Legal Owner: Johnny M. Boyles *
Contract Purchaser: *
Joseph V. Trapani *
Petitioners *****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 13769 Bottom Road. The property is also known as lot No. 9 on the First Amended Plat of the subdivision of the Kuzniarski property. The Petition is filed by Johnny M. Boyles, the owner of the subject property. Also signing the Petition is Joseph V. Trapani, who owns adjacent property known as 13773 Bottom Road. The Trapani property is identified as lot No. 3 on subdivision plat. The Petition seeks approval of a transfer of a portion of Mr. Boyles' lot to Mr. Trapani. The area of the property to be transferred is 2.4 acres. If approved, lot No. 9 will be reduced in size from its present 5.2 acres to a 2.8 acre lot. Further, lot No. 3 will be increased in size from its present 2.5 acres to a 4.9 acres.

The Petitioners, Johnny M. Boyles and Joseph V. Trapani, appeared and testified at the hearing. There were also several residents of the surrounding locale who appeared in support of the Petition. Appearing in opposition to the Petition were other residents of this subdivision. They included William and Nancy Gendimenico, Renee E. Hall and William L. Wilson.

The subject property is part of a subdivision which is located adjacent to Bottom Road in the northeast section of Baltimore County near the Harford

County/Baltimore County line. The subdivision is 25.75 acres in area and was approved for development in 1985. At that time, a first amended plat of the subdivision, marked into evidence as Protestants' Exhibit No. 1, was recorded among the Land Records of Baltimore County. That plat shows the subdivision of being comprised of 10 lots which range in size from approximately 2-1/2 acres to 5 acres. Mr. Boyles' lot, shown as lot No. 9, is 5.09 acres in area. Mr. Trapani's parcel, lot No. 3, is 2.491 acres in area. Four of the lots of the subject subdivision, including Mr. Trapani's, are located immediately adjacent to Bottom Road. Access to the remaining lots is by way of a panhandle driveway. This driveway separates lots 2 and 3 and leads to the six remaining lots, which are located to the rear of the properties which front Bottom Road. Mr. Boyles lot is the first lot to the left (east) side of the driveway, as one would traverse same towards the rear of the subdivision.

Mr. Boyles testified that he has owned the subject property for approximately 2 years. He indicated that, when he originally purchased the property, it was his intent to immediately subdivide same so that his holdings would be reduced to a 2.8 acre parcel. He explained that his financial circumstances were and are of such a nature that he is unable to afford the entire property. Therefore, he wants to sell off the front portion of his lot to raise needed funds to develop the balance. He further noted that his lot is naturally divided by a stream which is shown on the plat of the subdivision as lying in the middle of a drainage and utility easement. This stream divides the property into a northern part and a southern part, each of which is approximately 2-1/2 acres in size. Mr. Boyles emphasized that he has no desire to subdivide his property to create another dwelling lot. only to reduce the area of his property for the reasons described above.

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Mr. Trapani echoed Mr. Boyles' testimony. He does not intend on purchasing the front portion of lot 9 for development, rather only to increase the area of his rear yard. It is to be noted that the front portion of lot No. 9 adjoins the rear portion of Mr. Trapani's property.

In opposition to the Petition, testimony was received from William L. Wilson, Renee Hall and Nancy Gendimenico. Mr. Wilson owns lot No. 4, immediately adjoining Mr. Trapani's lot and abutting Bottom Road. Ms. Hall owns lot No. 2, which is located on the other side of the panhandle drive from the Trapani lot. Mrs. Gendimenico owns lot No. 6 which is on the west side of the panhandle across from the subject property. All three of these neighbors, as well as letters received from other residents, expressed concern over the possible future development of the property. They also object to the tactics previously employed by the Petitioners to obtain permission for the proposed land sale. Specifically, they allege that Petitioners previously misrepresented their plans and the Protestants support for these plans. They also believe that the subject subdivision should remain at 10 buildable lots, and greatly fear the creation of another buildable lot out of the front portion of lot No. 9. The Protestants also note the restrictive covenants which bind all of the properties and are recorded among the Land Records of Baltimore County. These covenants provide that there shall be no subdivision of any individual lots and further state that the covenants will remain effective for a period of 25 years from the date of their recordation.

In considering the merits of the case before me, it must be kept in mind that my authority does not extend to the enforcement of any restrictive covenants. These may be enforced only through the filing of a proper lawsuit within the Circuit Court of Maryland for Baltimore County. Instead, my role is to adjudge the merits of the Petition for Special Hearing in accord-

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dance with the Baltimore County Zoning Regulations. In considering the issue within those narrow confines, I can find no evidence that the proposed transfer will adversely affect the health, safety or general welfare of the surrounding subdivision. In that a buildable lot is not being created, there will be no change in the physical appearance of the property. That is, from the perspective of the neighbors, the only difference would be that the front portion of lot No. 9 will be the rear yard of Mr. Trapani's property.

Notwithstanding my conclusions in this respect, I am appreciative of the neighbors suspicions as it relates to the future plans for this property. Both Mr. Boyles and Mr. Trapani testified that there would be no subdivision or efforts to create another buildable lot. However, they offered little in the way of concrete reasons why the proposed land transfer was in either of their best interests, other than Mr. Boyles' explanation of his financial difficulties.

In any event, I am persuaded that the special hearing should be granted for the reasons set forth above. However, I shall restrict my Order so as to require same to be recorded among the Land Records of Baltimore County so that all present and future owners in the subdivision are aware of my decision. Further, I shall include within my Order a restriction to provide that there shall be no building on the subject lot. Further, my Order does not create a buildable lot out of that portion of lot No. 9 which is to be transferred. That is, my Order shall be restricted so as to prohibit any development on the portion of lot No. 9 to be conveyed. Any potential development shall require a public hearing with opportunity for the community to be heard. I believe this will provide the Protestants with the protection which they seek to insure the present density of the subdivision.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of Oct., 1992 that, pursuant to the Petition for Special Hearing, approval for a transfer of 2.4 acres from lot No. 9, (presently 5.2 acres, leaving a 2.8 acre lot), to lot No. 3, (presently 2.5 acres, increasing a 4.9 acre lot), in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. There shall be no construction on, and/or further development of, that portion of lot No. 9 which is to be conveyed. Any proposed construction and/or development shall require the then owner of the property to seek final amendment of this Order by way of a Petition for Special Hearing with the requisite public hearing and notice.

3. Within 60 days of the date of this Order, Petitioner shall cause a copy of this Order and site plan, incorporating the relief granted herein, to be recorded in the Land Records of Baltimore County. In addition, the deed transferring the subject portion of lot No. 9 shall reference this case, and the restrictions and conditions set forth herein. A copy of the recorded Order and deed shall be forwarded to the Zoning Commissioner's office for review and inclusion in the case file.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 21, 1992

Mr. Joseph V. Trapani
13773 Bottom Road
Hydes, Maryland 21082

Mr. Johnny M. Boyles
13769 Bottom Road
Hydes, Maryland 21082

RE: Petition for Special Hearing
Trapani/Boyles, Petitioners
Case No. 93-63-SPH

Gentlemen::

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.

cc: Mr. and Mrs. William Gendimenico
Mrs. Renee E. Hall
Mr. William L. Wilson

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County



Petition for Special Hearing 93-63-SPH to the Zoning Commissioner of Baltimore County for the property located at 13769 Bottom Rd. (Lot #9 of the Kuzniarski Property) which is presently zoned R-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve to amend the last approved development plan for the following:

-a LOT LINE ADJUSTMENT so that 2.4 acres can be taken from Lot #9 (13769 Bottom Rd/owner: Johnny Boyles and added to Lot #3 (13773 Bottom Rd/owner: Joseph Trapani).
-Lot #9 presently 5.2 acres will become a 2.8 acre lot.
-Lot #3 presently 2.5 acres will become a 4.9 acre lot.

Both lots are part of the Kuzniarski Property subdivision on Plat E.H.K. Jr 53, Folio 47, Election District 11.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Joseph V. Trapani

(Type or Print Name)

Signature

13773 Bottom Rd

Address

Hydes, Md 21082

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Johnny M. Boyles

(Type or Print Name)

Signature

13769 Bottom Rd

Address

Hydes, Md 21082

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

ESTIMATED LENGTH OF HEARING

1 hr.

the following dates

DATE

REVIEWED BY

DATE

93-63-SPH ZONING DESCRIPTION

Beginning at a point on the south side of Bottom Road, 80 feet wide, at the distance of 3700 feet east of the centerline of Gayton Mill Road, thence the following courses and distances: South 75 degrees 18 minutes 19 seconds East 304.85 feet, Southeasterly, 474.05 feet, South 78 degrees 42 minutes 08 seconds East 316.41 feet, South 12 degrees 23 minutes 38 seconds West 335.24 feet, South 27 degrees 51 minutes 32 seconds West 199.04 feet, North 43 degrees 00 minutes 53 seconds West 171.80 feet, South 38 degrees 20 minutes 11 seconds West 283.39 feet, South 61 degrees 52 minutes 49 seconds East 303.50 feet, South 44 degrees 59 minutes 05 seconds East 368.25 feet, South 82 degrees 21 minutes 20 seconds West 646.86 feet, South 06 degrees 38 minutes 51 seconds West 209.53 feet, South 81 Degrees 11 minutes 30 seconds West 659.23 feet, North 10 degrees 02 minutes 16 seconds West 1056.42 feet, North 64 degrees 13 minutes 24 seconds East 225.07 feet and North 12 degrees 42 minutes 50 seconds East 593.78 feet to the place of beginning as recorded in Plat Books E.H.K., Jr. 41 folio 42 and E.H.K., Jr. 53 folio 47.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 93-63-SPH
Towson, Maryland

District: 111 Date of Posting: 8/23/92

Posted for: David Levine

Petitioner: John Boyle & Joseph Trapani

Location of property: 3100 N. 13th St. (13769), 3100 N. 14th St. (13770)

Location of Sign: 3100 N. 13th St. on property to be posted

Remarks:

Posted by: [Signature] Date of return: 8/25/92

Number of Signs: 1

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-63-SPH

Date: 8/28/92

Account: R-001-4150

Number: H9300068

paid per hand written receipt dated 8/19/92

8/28/92

PUBLIC HEARING FEES QTY PRICE

040 -SPECIAL HEARING (OTHER) 1 X \$250.00

TOTAL: \$250.00

LAST NAME OF OWNER: BOYLES

Cashier Validation Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT WORK 15 No. 107645

DATE: 8/11/92 ACCOUNT: 01015

AMOUNT: \$250.00

RECEIVED David LeCun [Signature] 11/14/92

FROM: 3100 N. 13th St. (13769) & 3100 N. 14th St. (13770)

FOR: Special Hearing - For Petitioner's Request

DA04000291CHPC DA 0001512908-10-92 \$250.00

VALIDATION ON SIGNATURE OF CASHIER

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

92-62

Account: R-001-6150

Number: 0400000291CHPC

DA 0001512908-10-92 \$250.00

VALIDATION ON SIGNATURE OF CASHIER

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 9/14/92

Johnny M. Boyles
13769 Bottom Road
Hydes, Maryland 21082

Joseph V. Trapani
13773 Bottom Road
Hydes, Maryland 21062

RE:
CASE NUMBER: 93-63-SPH
5/8 Bottom Road, 3700' W of c/l Guyton Mill Road
13769 Bottom Road - Lot #9 of the Kuzmaraki Property
Legal Owner(s): Johnny M. Boyles
Contract Purchaser(s): Joseph V. Trapani
HEARING: FRIDAY, OCTOBER 9, 1992 at 9:00 a.m. in Room 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$64.33 is due for advertising and printing of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

[Signature]

ARNOLD JARLON
DIRECTOR

Printed on Recycled Paper

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/10, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/10, 1992

THE JEFFERSONIAN,
[Signature]
Publisher

CASE: 93-63-SPH
5/8 Bottom Road, 3700' W of c/l Guyton Mill Road
13769 Bottom Road - Lot #9 of the Kuzmaraki Property
118 Election District
City of Baltimore
Legal Owner(s): Johnny M. Boyles
Contract Purchaser(s): Joseph V. Trapani
Hearing: Friday, October 9, 1992 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to amend the last approved development plan for lot line adjustment so that 2.4 acres can be taken from lot #9 (13769 Bottom Road) and added to lot #3 (13773 Bottom Road).

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

September 29, 1992

(410) 887-3353

Mr. Johnny M. Boyles
13769 Bottom Road
Hydes, MD 21082

RE: Item No. 68, Case No. 93-63-SPH
Petitioner: Johnny M. Boyles
Petition for Special Hearing

Dear Mr. Boyles:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 19th day of August, 1992

[Signature]

ARNOLD JARLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Johnny M. Boyles, et ux

Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: [Signature] Date: 9/18/92

Project Name: Stonegate at Patapsco (Aerial Property)

File Number: 90476

Waiver Number: 0-1-92

Zoning Issue: ZON DED TE (Waiting for developer to submit plans first)

Meeting Date: 0-1-92

COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
DED DEPRM RP STP TE	54	8/31/92	Comment
Lyons Mill Partnership			
DED DEPRM RP STP TE	62		Na
Steven Lewis and Mary Ann Kidwell			
DED DEPRM RP STP TE	63		NC
Revisions, Inc.			
DED DEPRM RP STP TE	64		Comment
Donald And Margaret Proeschner			
DED DEPRM RP STP TE	65		NC
Franciaco and Ada Figueroa			
DED DEPRM RP STP TE	66		NC
Pamela H. and Randall W. Perkins			
DED DEPRM RP STP TE	67		NC
Johnny M. Boyles			
DED DEPRM RP STP TE	68		NC
Donald E. and Mary Bell Grempler			
DED DEPRM RP STP TE	69		Comment
Gordon E. Sugar			
DED DEPRM RP STP TE	70		NC
Michael and Patricia Perholtz			
DED DEPRM RP STP TE	71		NC

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

August 28, 1992

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-63-SPH
5/8 Bottom Road, 3700' W of c/l Guyton Mill Road
13769 Bottom Road - Lot #9 of the Kuzmaraki Property
Legal Owner(s): Johnny M. Boyles
Contract Purchaser(s): Joseph V. Trapani
HEARING: FRIDAY, OCTOBER 9, 1992 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to amend the last approved development plan for lot line adjustment so that 2.4 acres can be taken from lot #9 (13769 Bottom Road) and added to lot #3 (13773 Bottom Road).

[Signature]
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Johnny M. Boyles
Joseph V. Trapani

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

March 2, 1992
13766 Bottom Road
Hydes, Maryland 21082
RE: The Kusniarski Property
11th Election District
Baltimore County, Maryland

Mr. David L. Thomas, PE
Baltimore County
Department of Public Works
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Thomas:

Per my conversation today with you, I am providing the following statement concerning the above mentioned property:

I hereby request that "Restrictions for Bellinwood Farms" be enforced and implemented in reference to a Final Development Plan signed by the Office of Planning and Zoning on February 14, 1992. Item number 8 states "No lot owner individually by any purchaser may be subdivided at a later date. . . ." Item number 10 also states "These restrictions will be considered legal and valid for a period of 25 years, at that time they may be renewed by Developer or Committee."

The request to subdivide lot number 9 and any other request for subdivision is in violation to the area restrictions agreed to by purchasers in the community.

I would also submit the Final Development Plan that is dated August 8, 1991 contains signatures that are not authentic and are presently under review.

I do not authorize any changes to movement of property lines to "THE KUSNIARSKI PROPERTY" or any deviations to future property line changes.

Sincerely yours,

Rene E. Hall
Rene E. Hall
Lot #2

Part 102

RESTRICTIONS FOR BELLINGWOOD FARMS
TO BE
ATTACHED TO AND PART
OF ALL CONTRACTS OF
SALE INVOLVING
BELLINGWOOD FARMS

1. There will be no untagged automobiles on the premises.
2. All homes, garages, utility buildings, barns or guest homes will be harmonious with this area.
 - 2a. All construction plans will be submitted to Developer, Arthur A. Kusniarski, for approval. The Developer will form a committee of each person who purchase a home or land. The Developer will reserve final decision of any decisions to himself, and if his decision is disagreeable with Committee an impartial person agreeable to both sides will be appointed to rule on such disputes.
3. All fences to be of brick, stone or wood.
4. No purchaser will plant trees, shrubs, etc. in the way as to restrict ingress and egress to Bottom Road.
5. All purchasers are required to keep their land in a neat appearance. In the event the land is not kept neat, the Developer will have the right to enter on such land and take necessary steps to keep it neat with the cost of such act to be borne by owner of such land.
6. Any vehicle or boat will not be parked or stored in front of homes nor will they be allowed to be stored in any manner offensive to the neighborhood.
7. These restrictions are not in any way designed to prevent an individual from his pursuit of happiness. They are intended to protect each purchasers' investment and peace of mind.
8. No lot owner individually by any purchaser may be sub-divided at a later date. All these above restrictions apply to Tract "A" known as Bellinwood Farms.
9. A restriction may be added at any time after said restriction meets approval of all the above mentioned committee.
10. These restrictions will be considered legal and valid for a period of 25 years, at that time they may be renewed by Developer or Committee.
11. All homes will have a minimum of 1600 sq.ft. of living space excluding garage.
12. Developer will establish set backs.

Part 103

13767 Bottom Road
Hydes, MD 21082
October 8, 1992

RE: Case #93-63-SPH - Boyles & Trapani

TO WHOM IT MAY CONCERN:

Due to a conflict of schedule, my husband nor I are able to attend the hearing scheduled for October 9th.

As owners of 13767 Bottom Road, we will not agree to a lot line adjustment, unless there is unanimous agreement by all ten of the property owners within the "Kusniarski", or sometimes referred to as "Bellinwood", properties.

We firmly believe that without 100% consensus by all owners, the Zoning Commission would be breaking the covenants and restrictions of the development.

If you have any questions, or would like to speak to me personally, I can be reached at (410) 716-2618 during the week.

Lisa C. Henninger
Lisa C. Henninger,
Owner of 13767 Bottom Road

I HEREBY CERTIFY that the above mentioned LISA C. HENNINGER personally appeared

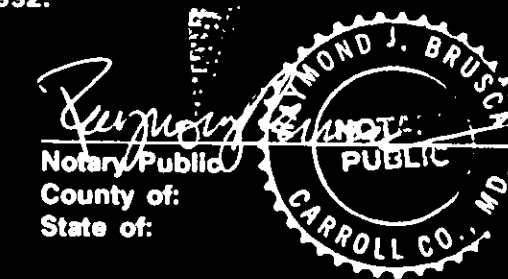
before me on this 8th day of October, 1992.

RAYMOND J. BRUSCA

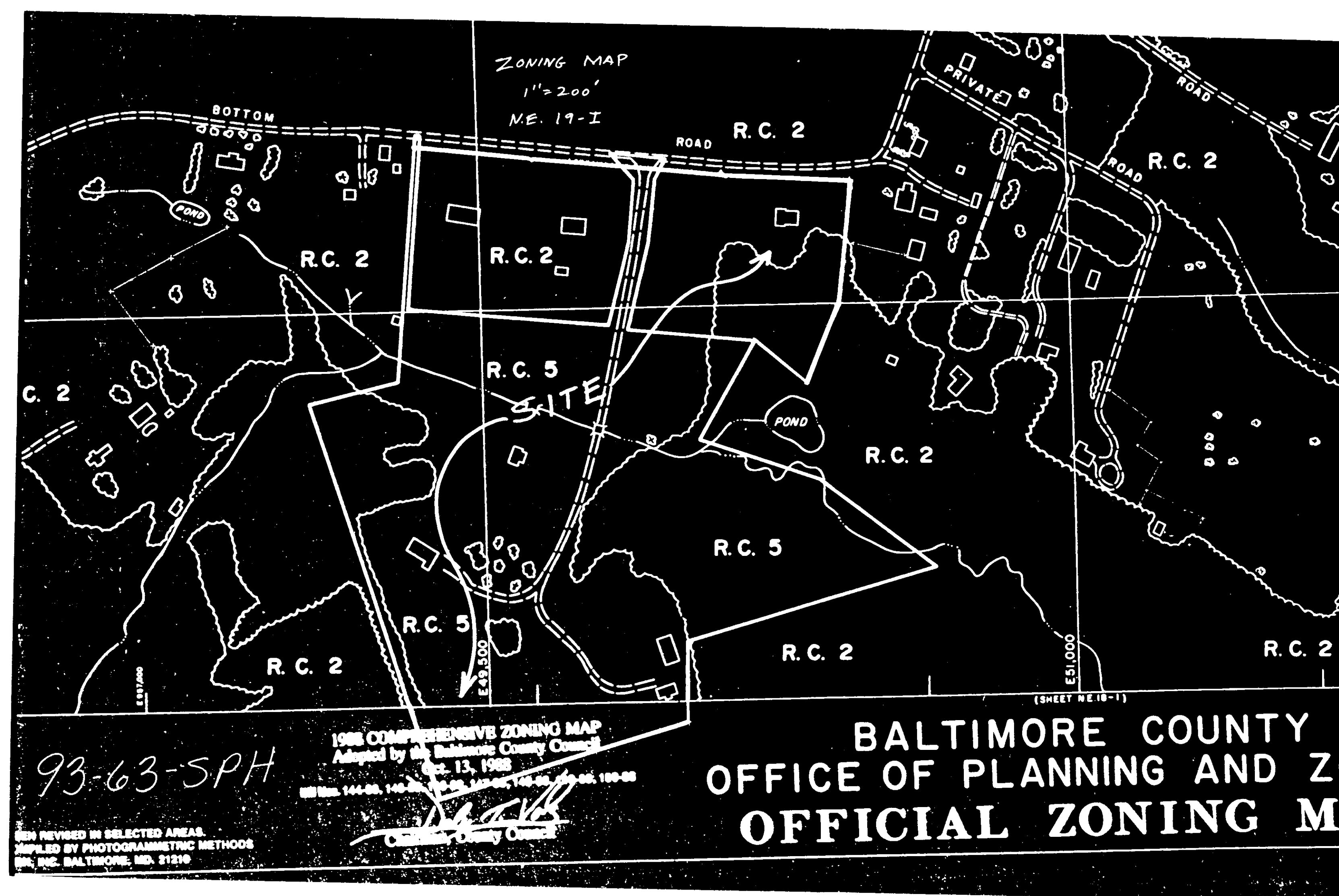
Notary Public State of Maryland

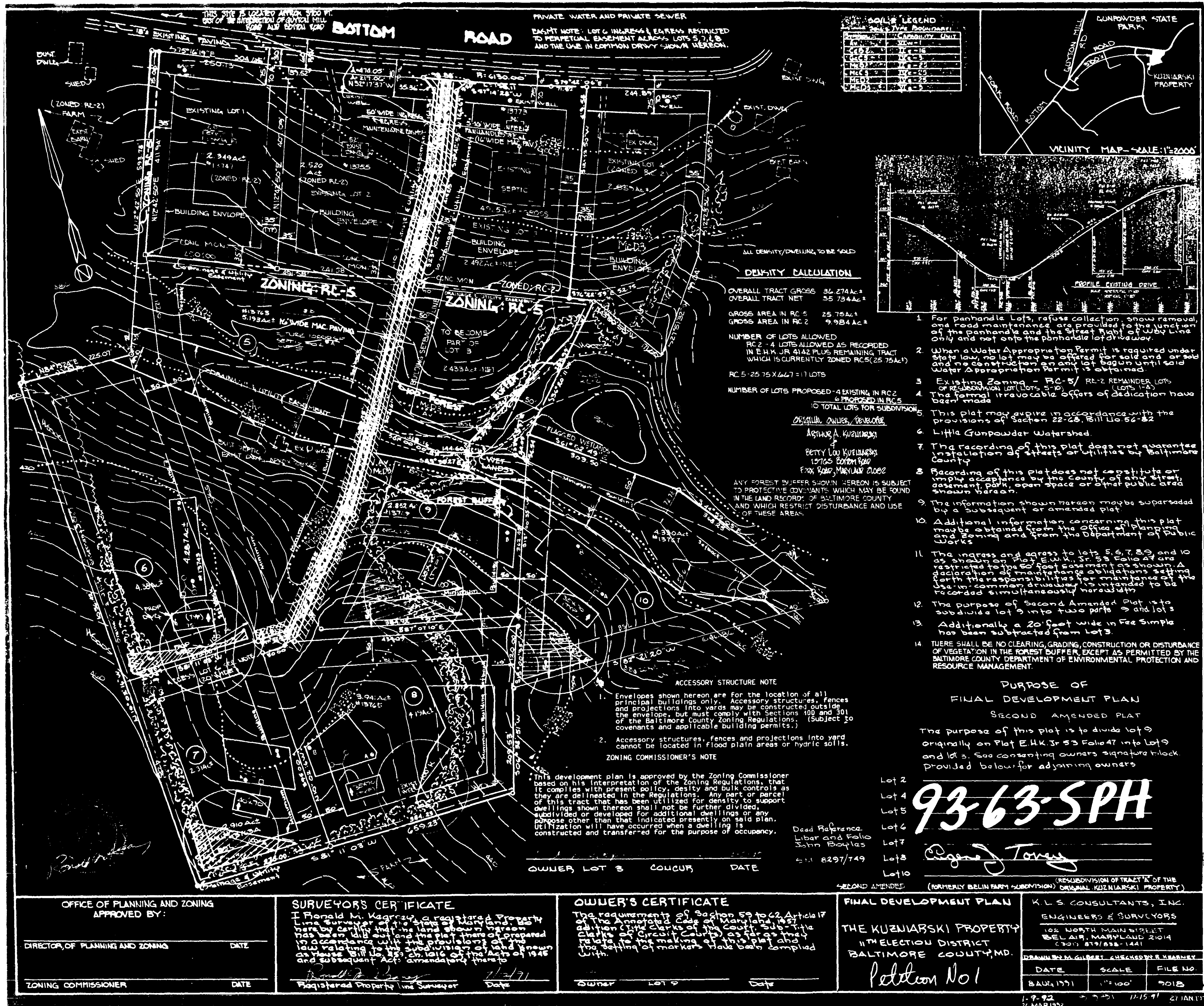
My Commission Expires Jan. 1, 1996

My Commission Expires:



Part 104



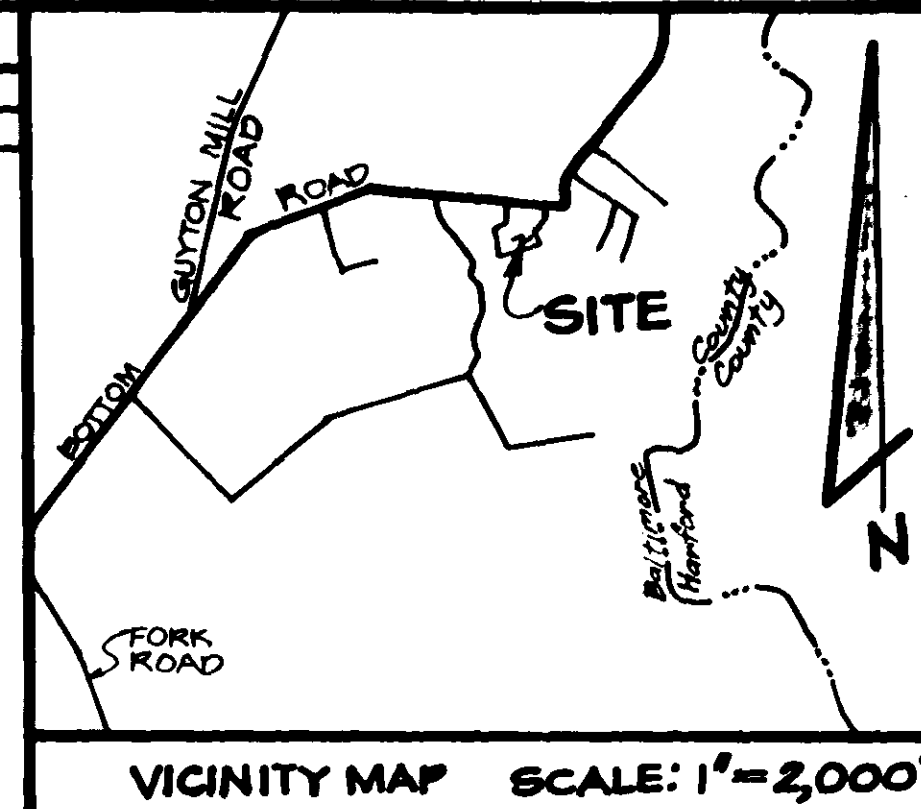


NO.	NORTH	EAST
1	4995.927	4998.650
2	4990.115	5018.187
3	4988.275	4922.476
4	4472.545	5400.286
5	4677.736	5487.585
6	4835.120	5529.042
7	4845.908	5501.495
8	4824.999	5572.011
9	4662.880	5535.529
10	4460.617	5449.506
11	4579.289	5785.254
12	4150.516	5616.968
13	4007.472	5684.640
14	3747.011	6144.962
15	3460.962	5508.851
16	3452.840	5479.596
17	3351.808	4828.154
18	4392.057	4644.023
19	4414.711	4867.950
20	4436.171	4872.791
21	4124.923	5484.297
22	4108.000	5583.000
23	4024.000	5723.000
24	3950.000	5840.000
25	3860.000	5880.000
26	3790.000	6023.000
27	3772.479	6119.511

L.E. HATZIGNATION
5539/386

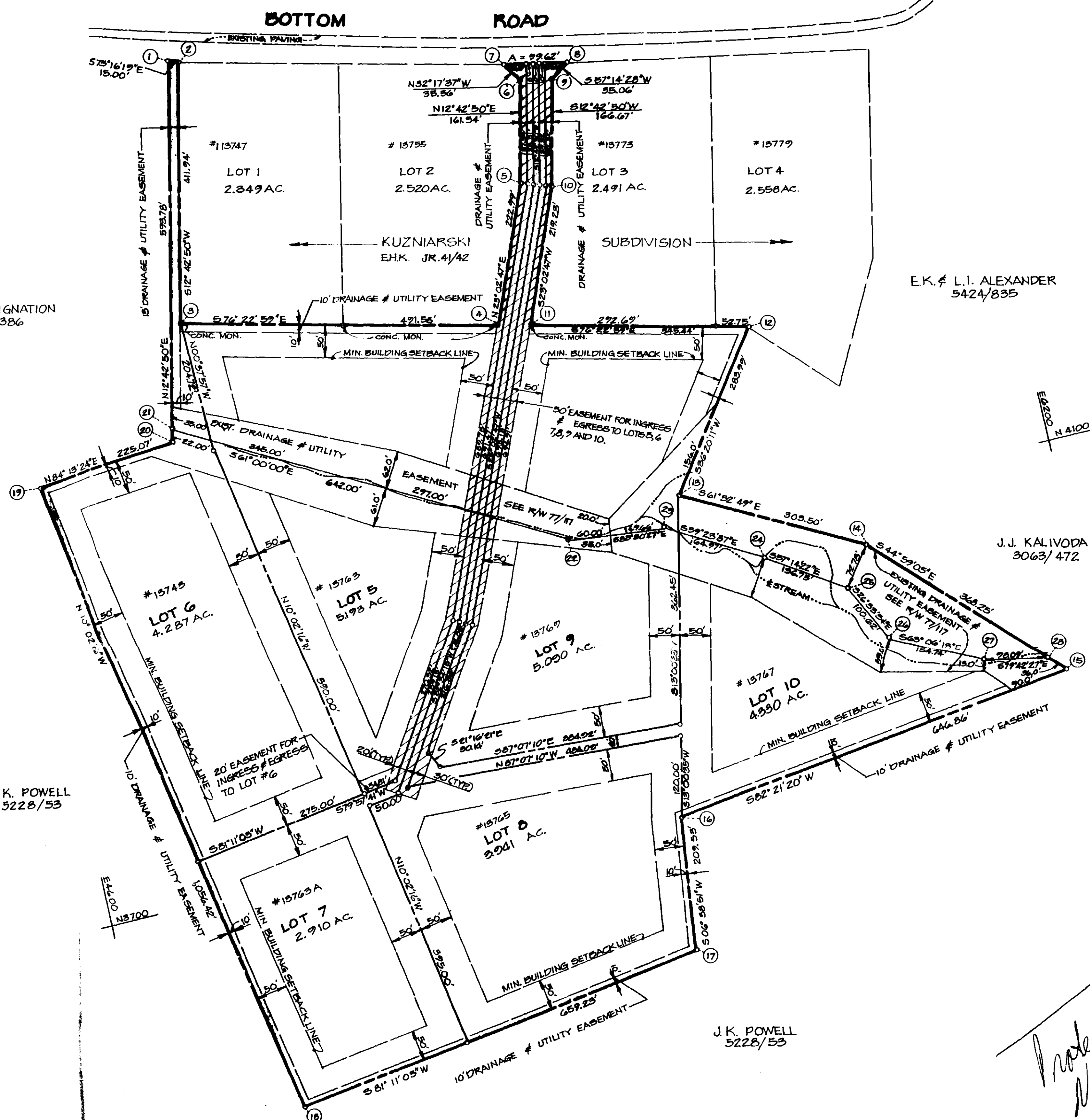
STATE OF MARYLAND, DEPT. OF FOREST & PARKS
4985/494

CURVE	DELTA	RADIUS	ARC	TANGENT	BEARING	LONG CHORD
7-B	00°58'00"	6130.00'	99.62'	17.81'	S 77° 46' 22"E	99.62'



GENERAL NOTES

- FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND THE STREET RIGHT-OF-WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.
- WHEN A WATER APPROPRIATION PERMIT IS REQUIRED UNDER STATE LAW, NO LOT MAY BE OFFERED FOR SALE AND/OR SOLD AND NO CONSTRUCTION ON ANY LOT BEGUN UNTIL SAID WATER APPROPRIATION PERMIT IS OBTAINED.
- DENSITY CALCULATIONS:
GROSS AREA 25750
NUMBER OF LOTS ALLOWED 17 (2575 * 0.667 LOTS/AC.)
NUMBER OF LOTS 6
DENSITY 0.233 LOTS/AC.
- EXISTING ZONING R.C.-5
- LITTLE GUNPOWDER WATERSHED
- INGRESS AND EGRESS TO LOTS 5, 6, 7, 8, 9 AND 10 IS RESTRICTED TO THE 50 FOOT EASEMENT SHOWN HEREON. A DECLARATION OF MAINTENANCE OBLIGATIONS SETTING FORTH THE RESPONSIBILITIES FOR MAINTENANCE OF THE USE-IN-COMMON DRIVEWAY IS INTENDED TO BE RECORDED SIMULTANEOUSLY HEREWITH.
- INGRESS AND EGRESS TO LOT 6 IS RESTRICTED TO THE 20 FOOT EASEMENT ACROSS LOT 5 AS SHOWN HEREON.
- THE FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.
- THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN HEREON.
- THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-68, BILL NO. 56-82.
- THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
- THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
- ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.



J.J. KALIVODA
3063/472

J.K. POWELL
5228/53

Recorded for Record
Date JUN 18 1985
By [Signature]

REC. R. 93 FOLIO 47

FIRST AMENDED PLAT OWNER'S SIGNATURES OF CONSENT

LOT No. 5, 8, 9 & 10
ARTHUR A. KUZNIAWSKI & BETTY LOU KUZNIAWSKI
13765 BOTTOM ROAD
HYDES, MARYLAND 21082
[Signature] DATE: 4/6/85
[Signature] DATE: 4/6/85

LOT No. 6
WILLIAM GENDIMENICO
13743 BOTTOM ROAD
HYDES, MARYLAND 21082
[Signature] DATE: 4/6/85

LOT No. 7
HERBERT AMEY
13763 A BOTTOM ROAD
HYDES, MARYLAND 21082
[Signature] DATE: 4/6/85

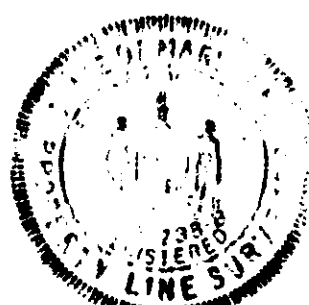
APPROVED FOR BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
[Signature] DATE: 4/6/85

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
[Signature] DATE: 4/6/85

APPROVED FOR BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
[Signature] DATE: 4/6/85

All requirements of the Department of Health and the County Department of Health must be complied with prior to approval of building applications.

NOTE: SOIL PERMEABILITY TESTS WILL BE VALID FOR A PERIOD OF FIVE YEARS FROM THE DATE THE RECORDED PLAT IS SIGNED BY THE DEPUTY STATE AND COUNTY HEALTH OFFICER. AT THE EXPIRATION OF THIS PERIOD NEW TESTS MAY BE REQUIRED.



DEED REFERENCE:
ARTHUR A. KUZNIAWSKI AND BETTY LOU KUZNIAWSKI
LIBER 5977, FOLIO 726

SURVEYOR'S CERTIFICATE:
I, JEFFERY V. JAKAS, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 43, CH. 1016 OF THE ACTS OF 1945 & SUBSEQUENT ACTS AMENDATORY THERETO. THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

OWNER'S CERTIFICATE:
THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION (TITLE CLERKS OF THE COURT, SUB-TITLE CLERKS OF CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT & THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

PURPOSE OF FIRST AMENDED PLAT
IS TO RELOCATE THE 20' WIDE IN FEE STRIP TO LOT NO. 10, BETWEEN LOTS NO. 8 & 9 IN ORDER TO SAVE EXISTING TREES. LOTS HAVE BEEN SOLD WITHIN 800' OF THE ABOVE CHANGE, SEE OWNERS' SIGNATURE BLOCK.

AMENDED DEVELOPMENT PLAN APPROVAL DATE: 4/6/85

PREPARED BY:
CHARLES R. CROCKEN & ASSOCIATES, INC.
CIVIL ENGINEERING & LAND PLANNING TEL. 463-8888
3697 PARK AVENUE ELLICOTT CITY, MARYLAND 21043

RESUBDIVISION OF TRACT 'A'
FIRST AMENDED PLAT OF
THE KUZNIAWSKI PROPERTY
11 TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
APRIL 6, 1985 SCALE: 1"=100'

OWNER & DEVELOPER:
ARTHUR A. KUZNIAWSKI & BETTY LOU KUZNIAWSKI
13765 BOTTOM ROAD
HYDES, MARYLAND 21082

SURVEYOR:
JEFFERY V. JAKAS
4002 BULLFROG ROAD
TANESVILLE, MD 21787